

*mg. Blum*

(25)  
10/11/00  
vj

## WAIVER OF SERVICE OF SUMMONS

TO:

Jason Eric Benson  
(Name of plaintiff's attorney or pro se plaintiff)

I acknowledge receipt of your request that I waive service of a summons in the action

of Benson VS

Duran, et al, which is case number 00-1229 in the

United States District Court for the Middle District of Pennsylvania. I have also received a copy of the complaint in the action, two copies of this instrument and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgement may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 7-21-00 (date request was sent), or within 90 days after that date if the request was sent outside the United States.

7/31/00

DATE

*Th. V. Duran*

SIGNATURE

Printed/typed name:

THOMAS V. DURAN

Title if any:

WARDEN

Address of Person signing:

P.O. Box 419

McELHATTAN, PA 17748

Party you represent:

**WAIVER OF SERVICE OF SUMMONS**

TO: \_\_\_\_\_

Jason Eric Benson

(Name of plaintiff's attorney or pro se plaintiff)

I acknowledge receipt of your request that I waive service of a summons in the action

of \_\_\_\_\_

Benson

VS \_\_\_\_\_

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7/24/00

DATE

Bruce A. Cluck

SIGNATURE

Printed/typed name: \_\_\_\_\_

Bruce A. Cluck

Title if any: \_\_\_\_\_

Deputy Warden

Address of Person signing: \_\_\_\_\_

Adams Co. Prison625 Biglerville RdGettysburg, PA 17325

Party you represent: \_\_\_\_\_

RECEIVED  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
JUL 27 11 00 AM '00

**WAIVER OF SERVICE OF SUMMONS**

TO: Jason Eric Benson  
 (Name of plaintiff's attorney or pro se plaintiff)

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7-24-00 DATE Deborah A. Hankey SIGNATURE

Printed/typed name: DEBORAH A. HANKEY

Title if any: WARDEN

Address of Person signing: Adams County Prison  
625 Biglerville Road  
Gettysburg PA 17325

Party you represent: Self

RECEIVED  
 U.S. DISTRICT COURT  
 MIDDLE DISTRICT OF PENNSYLVANIA  
 JUL 27 2000

# WAIVER OF SERVICE OF SUMMONS

TO:

Jason Eric Benson

(Name of plaintiff's attorney or pro se plaintiff)

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7/24/00  
DATE

Sgt Heintzelman  
SIGNATURE

Printed/typed name: Raymond Heintzelman

Title if any: Sgt

Address of Person signing: Adams Co Prison

625 Biglerville Rd

Gettysburg Pa 17325

Party you represent: SELF

RECEIVED  
USMS, MIDDLE PA  
JUL 27 12 00 PM '00

# WAIVER OF SERVICE OF SUMMONS

TO: Jabor Eric Benson  
(Name of plaintiff's attorney or pro se plaintiff)

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7/27/2000 DATE BL SHLTON II SIGNATURE

Printed/typed name: BRITON L SHELTON II

Title if any: CORRECTIONS OFFICER

Address of Person signing: ADAMS COUNTY PRISON

625 BIGLERVILLE RD

GETTYSBURG, PA 17325

Party you represent: SELF

RECEIVED  
USMS, MIDDLE/PA  
JUL 31 10 02 AM '00

NOTICE OF LAWSUIT AND  
REQUEST FOR WAIVER OF SERVICE

TO: William Orth  
AS: Lt. OF Adams Co. Prison

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the Middle District of Pennsylvania. The assigned docket number for this case is CV-00-1229.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within 30 days (at least 30 days, 60 days if located in a foreign country) after the date designated below as the date on which this Notice and Request is sent. I enclosed a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. This action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, as authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of summons, which is set forth below.

I affirm that this request is being sent to you on behalf of the plaintiff, this 21st day of July, 2000.

Andrea Lavelle  
U.S. MARSHALS SERVICE, P. O. BOX 310, SCRANTON, PA 18501

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

SUMMONS IN A CIVIL ACTION

Benson  
Plaintiff  
V.  
Duran  
Defendant

CASE NUMBER: 1:00-cv-01229

TO:

(SEE COMPLAINT)

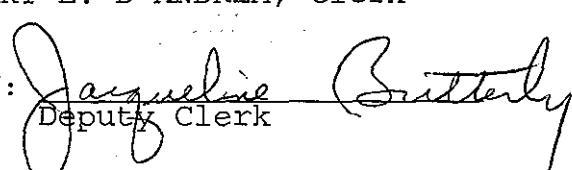
YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

Plaintiff's Attorney:

Jason Eric Benson  
SCI-SM  
#DS-6483  
P.O. Box 999  
1120 Pike St.  
Huntingdon, PA 16652

an answer to the complaint which is herewith served upon you, within (20) TWENTY DAYS after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

MARY E. D'ANDREA, Clerk

BY:   
Deputy Clerk

DATE: July 18, 2000

RECEIVED  
USMS, MIDDLE/PA  
200 JUL 18 PM 4:43

See return of service  
sheet

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

SUMMONS IN A CIVIL ACTION

PARTIES FOR CASE #1:00-cv-01229

Jason Eric Benson  
    plaintiff

v.

Thomas Duran ✓  
    defendant

Bruce Cluck ✓  
    defendant

Debra Hankey ✓  
    defendant

John Jennings ✓  
    defendant

William Orth  
    defendant

Rae Hientzelman ✓  
    defendant

David Vazquez ✓  
    defendant

Jane/John Doe  
    defendant

William J. Steinour  
    defendant

Briton Shelton ✓  
    defendant



## RETURN OF SERVICE - Case #1:00-cv-01229

Service of the Summons and Complaint was made by me *	DATE	
NAME OF SERVER (Print)	TITLE	
Check one box below to indicate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____  <input checked="" type="checkbox"/> Returned unexecuted: <u>Jennings, Vasquez &amp; Auth are no longer employed at Adams Co. Prison (Process returned to USMS)</u>  <input type="checkbox"/> Other (specify): <u>Service on Dr. Wm. Steiner</u> <span style="float: right;">A. Lavell</span> <u>will be attempted by personal service.</u> <u>Process was mailed, waiver never returned.</u> <span style="float: right;">ac</span>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">Address of Server _____</p>		

\*) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure